

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

PHYTOSTEROL AND/OR PHYTOSTANOL DERIVATIVES

the specification of which

(check one)

is attached hereto

was filed on _____ as

Application Serial No. _____

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

98122412.4 (Number)	Europe (Country)	26 / November / 1998 (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
99119337.6 (Number)	Europe (Country)	29 / September / 1999 (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*)

Mark E. Waddell	(Reg.No. 31803)	Stephen M. Haracz	(Reg.No. 33397)
Warren K. MacRae	(Reg.No. 37876)	Timothy E. Tracy	(Reg.No. 39401)
Kevin C. Hooper	(Reg.No. 40402)	Kathleen Gersh	(Reg.No. 41806)
Leo G. Lenna	(Reg.No. 42796)	Robert J. Lipka	(Reg.No. 42807)

Send Correspondence to:

Mark E. Waddell, Esq., Bryan Cave LLP, 245 Park Avenue, New York, New York 10167-0034

Direct Telephone Calls to: (name and telephone number)

Mark E. Waddell – (212) 692-1800

Full name of sole or first inventor

David Carl Burdick

Inventors signature

Date

David Carl Burdick

November 10, 1999

Residence

CH-4102 Binningen, Switzerland

Citizenship

US

Post Office Address

85 Schafmattweg, CH-4102 Binningen, Switzerland

Full name of sole or second inventor

Gérard Moine

Inventors signature

Date

Gérard Moine

November 10, 1999

Residence

F-68400 Riedisheim, France

Citizenship

French

Post Office Address

23 rue de Haut Point, F-68400 Riedisheim, France

(Supply similar information and signature for third and subsequent joint inventors.)

Full name of sole or third inventor, if any
Daniel Raederstorff
Inventors signature _____ Date _____
Residence _____ November 10, 1999
F-68350 Brunstatt, France
Citizenship _____
French _____
Post Office Address _____
36c rue Bellevue, F-68350 Brunstatt, France

Full name of sole or fourth inventor, if any
Peter Weber
Inventors signature P. - L. - Date _____
Residence _____ November 10, 1999
D-79429 Malsburg-Marzell, Germany
Citizenship _____
German _____
Post Office Address _____
10 Im Grundacker, D-79429 Malsburg-Marzell, Germany

FEDERAL REGISTER

Title 37, Code of Federal Regulations, §1.56, duty to disclose information material to patentability (in part) provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.